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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,682	03/05/2002	Stacey Secatch	10011021-1	7223

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AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
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EXAMINER

FAROOQ, MOHAMMAD O

ART UNIT PAPER NUMBER

2182

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DATE MAILED: 03/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/091,682

Applicant(s)

SECATCH, STACEY

Examiner

Mohammad O. Farooq

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 16 is/are rejected.
- 7) ☒ Claim(s) 5-15 and 17-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-4 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishikawa, U.S. Pat. No. 5,740,063 in view of Matthews, U.S. Pat. No. 6,222,793.
2. As to claim 1, Nishikawa teaches having an input and an output (first and second memory), allowing data values that have been unloaded from the memory to be reloaded (restore) into the memory if a determination is made (via RESTORE function) that a data value should not have been unloaded from the memory (col. 1 lines 58-67; col. 2, lines 1-14; col. 4, lines 15-20).

Nishikawa does not teach FIFO and reloading at the beginning of a sequence of data values stored in the FIFO. Matthews teaches FIFO (col. 2, lines 35-45) and reloading at the beginning of a sequence of data values (addresses) stored in the FIFO (col. 2, lines 48-63). However, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Nishikawa and Matthews because that would provide non-zero start address for a block write operation to be performed (col. 3, lines 56-64).

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3. As to claims 2 and 3, Nishikawa teaches determination is made by logic external to the memory (FIFO; via function key SW5; col. 3, lines 31-43) and provided to the memory; and determination (by measuring result data and condition data) is made that the data value unloaded from the memory (FIFO) should have been unloaded, the unloaded data value is not reloaded into the memory (FIFO; proceeds with regular data transfer; col. 2, lines 53-67; col. 3, lines 31-43).

4. As to claim 4, Nishikawa teaches determination is made that the data value unloaded from the memory (FIFO) should have been unloaded, the unloaded data value is marked as an invalid memory (FIFO) data value (since null data is written in RAM 8 and because of ERASE function; col. 3, lines 7-30, lines 44-52; col. 4, lines 3-8).

5. As to claim 16, Nishikawa teaches method comprising the steps of:
unloading a first data value from a memory (loading RAM 8; col. 2, lines 53-67);
determining whether or not the unloaded first data should have been unloaded from the memory (via RESTORE function; col. 4, lines 14-25); and
if a determination is made that the unloaded first data value should not have been unloaded from the memory, reloading the first data value back in to the memory such that the reloaded first data value occupies a first position in a sequence of data values stored in the memory (col. 1, lines 58-67; col. 2, lines 1-14; col. 4, lines 15-20).

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Nishikawa does not teach FIFO and reloading at the beginning of a sequence of data values stored in the FIFO. Matthews teaches FIFO (col. 2, lines 35-45) and reloading at the beginning of a sequence of data values (addresses) stored in the FIFO (col. 2, lines 48-63). However, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Nishikawa and Matthews because that would provide non-zero start address for a block write operation to be performed (col. 3, lines 56-64).

Allowable Subject Matter

6. Claims 5-15 and 17-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad O. Farooq whose telephone number is (703) 305-3888. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on (703) 308-3301. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'M. Farooq', with a stylized flourish at the end.

Mohammad O. Farooq
March 6, 2004